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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,931	11/24/2003	Keith Donald Kammler	14936US02	5239

7590 09/27/2007

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EXAMINER	
THOMASSON, MEAGAN J	
ART UNIT	**PAPER NUMBER**
3714	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/720,931	KAMMLER ET AL.	
	Examiner	Art Unit	
	Meagan Thomasson	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-90* is/are pending in the application.

4a) Of the above claim(s) *27-90* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *27-90* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/6/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 1-26 in the reply filed on July 19, 2007 is acknowledged. The traversal is on the ground(s) that there would be no serious burden on the examiner if the restriction is not required. This is not found persuasive because the species of claims 27-90 may require a search in class 713, subclass 500, (Electrical Computers and Digital Processing Systems; Clock, Pulse, or Timing Signal Generation or Analysis). Claims 1-26 would not require such a search, and therefore there is a serious burden on the examiner if restriction is not required.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4,5,10-12,14-17,19,21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiss (US 6,511,377 B1).

Regarding claims 1,21,22 Weiss discloses a method of operating a gaming system having a central authority (Fig. 1, On-Line Accounting and Game Information System **60**) associated with a database (Player Database **62**) and interconnected to a plurality of gaming machines (Fig. 1, **G1-Gn**), comprising establishing a player account in said database associated with at least one player (Fig. 5), providing a player card to said one player, said player card associated with said player account (Fig. 6, Issue Player Card), inserting said player card into one of said gaming machines (Fig. 6, Insert Card into Card Reader at Slot Machine), identifying the start of a first regular gaming session for said player (Fig. 7, Play Gaming Machine), identifying the end of said first regular gaming session (Fig. 7, Player Finishes Playing Gaming Machine), collecting first activity data from said one gaming machine during said first regular gaming session (col. 6, lines 21-37; col. 22, lines 15-32), identifying the start of a first virtual gaming session for said one player (Fig. 8, wherein if the player leaves the gaming machine without transferring remaining credits, said gaming machine is subject to a virtual gaming session), identifying the end of said first virtual gaming session (col. 19, lines 1-21, wherein play may continue on the gaming machine using said remaining credits until the account balance is depleted or until a pre-determined timeout session occurs), collecting said second activity data from said one gaming machine during said first virtual gaming session, transmitting said first activity data and said second activity data to said central authority (col. 19, lines 1-4).

Regarding claim 4, Weiss discloses the first regular gaming session precedes said first virtual gaming session (Fig. 7-8).

Regarding claim 5, Weiss discloses said first virtual gaming session precedes said first regular gaming session in col. 13, lines 60-67, wherein a player may operating a gaming machine by inserting coins as credits that may be later transferred to the player's account.

Regarding claim 10, Weiss discloses the step of identifying the start of a first regular gaming session includes monitoring the insertion of said player card (Fig. 7).

Regarding claims 11 and 12, Weiss discloses the step of identifying the end of said first regular gaming session and identifying the start of said first virtual gaming session includes detecting the removable of said player card (Fig. 8, i.e. the end of said first regular gaming session is the beginning of said first virtual gaming session).

Regarding claim 14, said step of identifying the start of said first virtual gaming session includes detecting credits available for play on said one gaming machine (Fig. 8, Player Machine Credits Subject to Play Independent of Card).

Regarding claims 15,16, Weiss discloses said step of identifying the end of said first virtual gaming session includes detecting a completion of a game on said one gaming machine. That is, if the player moves his or her card without transferring credits to account and said credits become subject to play independent of card, another player may continue to play said gaming machine until all credits have been depleted, i.e. at the completion of a game (col. 19, lines 18-20).

Regarding claims 17,19, Weiss discloses said step of identifying the end of said first virtual gaming session includes detecting the lapse of a predetermined amount of time since the end of said first regular gaming session (col. 19, lines 1-4), wherein the

end of said first regular gaming session may comprise the completion of a game of said gaming machine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2,3,6-9,13,18,20,25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US 6,511,377 B1).

Regarding claims 2,3,6,7,23 and 24, Weiss discloses the method of operating a gaming system having a central authority (Fig. 1, On-Line Accounting and Game Information System **60**) associated with a database (Player Database **62**) and interconnected to a plurality of gaming machines (Fig. 1, **G1-Gn**) as described above. *Weiss does not specifically disclose that the step of transmitting occurs at two separate times, nor does Weiss specifically disclose that the first activity data is transmitted at the*

end of said first regular gaming session and said second activity data is transmitted at the end of said first virtual gaming session. However, the times at which said first and second activity data are transmitted does not affect the overall outcome of the system. That is, whether first and second activity data transmission occurs together or separately has no effect on the overall end result of the system as the final account balance will be the same regardless of when the game data is transmitted. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit the first and second activity data at any time during the gaming transaction and doing so does not render the instant application new, novel or unobvious over the invention disclosed by Weiss.

Regarding claims 8,9,25 and 26, a player may remove their player tracking card from the gaming machine without transferring credits to their account, as shown in Fig. 8. The player could then insert their card into any other available slot machine G1-Gn (Fig. 1) and resume play, thereby initiating additional regular and virtual gaming session and creating third and fourth activity data for collection, transmission to and storage in the central database. That is, the process disclosed in Fig. 7-8 and as described above could be repeated by a player to initiate subsequent gaming session as claimed in claims 8 and 9.

Regarding claim 13, *Weiss does not explicitly disclose the step of identifying the start of said first virtual gaming session includes detecting a game in progress on said one gaming machine.* However, Weiss discloses the virtual gaming session begins when the card is removed without transferring credits to account (Fig. 8), which does

not preclude the card being removed during a game in progress, in which case the gaming machine will continue to allow play until a pre-determined timeout session is reached (col. 19, lines 1-4).

Regarding claim 18, *Weiss does not specifically disclose the step of identifying the end of said first virtual gaming session includes monitoring the insertion of said player card.* However, in the embodiment wherein the virtual gaming session occurs prior to the regular gaming session as recited in claim 5, Weiss discloses that a player may transfer any credits from the gaming machine credit meter, including credits that were not original in the player's account, to the player's account. That is, as shown in Fig. 7, a player may insert bills or coins into a currency acceptor and have the credits applied to the gaming machine credit meter. Upon completion of play, as shown in Fig. 8, a player may "transfer credits to account through card reader", i.e. a player may insert their card and transfer any remaining credits to their online account. Thus, the virtual gaming session may end upon the insertion of a player card.

Regarding claim 20, *Weiss does not specifically disclose said step of identifying the end of said first virtual gaming session includes detecting the lapse of a predetermined amount of time since the detection of no credits available for play.* However, Weiss does disclose the ability to end the invention upon detecting a lapse of predetermined amount of time and upon detecting no credits available for play. Therefore, Weiss would have been capable ending the first virtual gaming session upon the detection of a predetermined amount of time since the detection of no credits available for play. Combining two elements that Weiss discloses the ability to detect, i.e.

a lapse of a predetermined period of time and the depletion of available credits, does not present a new, novel or unobvious concept to one of ordinary skill in the art as all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes:

Acres et al. (US 5,655,961), drawn to a method for operating networked gaming devices including a player tracking card.

Raven et al. (US 5,429,361), drawn to a gaming machine information, communication and display system wherein an employee may insert an employee card in order to end a virtual gaming session.

Weiss (US 6,165,071), drawn to a method and apparatus for gaming in a series of sessions.

Burns et al. (US 6,048,269), drawn to a coinless slot machine system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
September 24, 2007

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TC3700